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SIMMONS BEDDING COMPANY
and Defendant and Counterclaimant DREAMWELL, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a
Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

Case No. 07-CV-03012-PVT

**[PROPOSED]
ORDER DENYING PLAINTIFF ZINUS,
INC.'S MOTION FOR SUMMARY
ADJUDICATION OF NON-INFRINGEMENT**

Date: December 11, 2007
Time: 10:00 a.m.
Before: The Honorable Patricia V. Trumbull
Location: Courtroom 5

AND RELATED COUNTERCLAIMS

On December 11, 2007, plaintiff Zinus, Inc.'s Motion for Summary Adjudication of Non-Infringement was heard in this Court before the Honorable Patricia V. Trumbull. After considering the materials and oral argument presented to the Court, and good cause appearing:

1 IT IS HEREBY ORDERED that plaintiff's motion is denied.
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3 Dated: December ____, 2007

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The Honorable Patricia V. Trumbull
United States Magistrate Judge
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